UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/NGO/11
24 February 1997

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 21 of the provisional agenda

RIGHTS OF THE CHILD

Written statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 February 1997]

GE.97-10858 (E)

1. The Commission for the Defence of Human Rights in Central America (CODEHUCA) and Casa Alianza have joined forces on behalf of the thousands of boys and girls who are left to their own devices in the world's streets.

2. In recent years, respect for the fundamental rights and freedoms of millions of boys and girls has deteriorated throughout the world. As a result of the military operations rife throughout Central America during the 1970s and 1980s and of State political, economic and social policies, thousands of boys and girls, whether orphans or with families, were compelled to seek refuge inside their own countries or abroad, fleeing from either war or hunger and poverty.

3. It is children who are most vulnerable to this violence; boys and girls suffer most in a society which is marked by discrimination and stratification and endeavours to put an end to poverty by eliminating the poor. This has been duly recognized by the international community in the Commission on Human Rights' statement that because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of ... juveniles have serious and far-reaching consequences for the juveniles concerned and for society (resolution 1993/80).

4. Armed conflict, poverty, violence within the family, orphanhood and many other factors are responsible for the huge increase in the number of street children, while Governments have been either unable or unwilling to introduce proper policies to deal with the situation and offer better opportunities for these boys and girls, known as street children. These children, whether they are orphans or have a family, tend to form groups in order to protect themselves, and enjoy greater affection in the group than in their family. In order to bear hunger, cold and wet and the failure to satisfy their basic needs, they generally take drugs, prostitute themselves and steal.

5. This survival strategy arouses and nourishes rejection by society and transforms street children into the scapegoat for all society's evils, giving grounds for public officials and ordinary citizens to attack, rape, exploit, and even murder them. The problem of the human rights of street children is a cause for deep concern, although a source of even deeper concern is the population's indifference to them, whose number grows year by year while Governments offer no constructive solutions to ensure their rights are respected.

6. Against this background, the Convention on the Rights of the Child, which is considered the most successful example of universal recognition for a human rights instrument because it has been signed and ratified even by States which advocate the theory of cultural relativity, fails fully to achieve its objectives. The Committee on the Rights of the Child, which was established by the Convention, is able only to receive information on the overall situation of children through State reports, but is not authorized to receive claims from a State party that another State party is violating the Convention or complaints from individuals against a State. In other words, it has no procedure for receiving and dealing with complaints, thereby limiting the applicability of the Convention.

7. In another respect, the initiatives taken by the United Nations to analyse and study specific situations relating to children, by appointing for example, a Special Rapporteur on the sale of children, child prostitution and child pornography, mention only briefly the problem of street children and the disregard for their rights, but fail to analyse its causes or consequences, still less possible commitments by States to ensure respect for the rights and freedoms of these children who, according to UNICEF, number more than one hundred million throughout the world. This figure alone should be sufficient reason to appoint a special rapporteur specifically to study and analyse the problems of street children.

8. For this reason, CODEHUCA and Casa Alianza associate themselves with the countless efforts made by other organizations, institutions and individuals striving to defend and comprehensively further the human rights of juveniles, and advocate the appointment by the United Nations of a special rapporteur to defend the human rights of street children.

9. We believe that the guidelines drawn up by the United Nations and the commitments made by States will remain limited and incomplete until this problem receives attention and a response. The special rapporteur's primary objective would be precisely to study and analyse the human rights of street children, with due regard for their diversity. By thus specifically recognizing the problem, the international community will draw attention to the constant violations of the rights of street children, including violations by State policies designed to exterminate them; it will also carry out the necessary studies and analyses to determine the root causes of their situation, and on that basis make the relevant observations and recommendations.

10. The special rapporteur's functions will include receiving information or communications on all aspects of the rights set forth in the Convention on the Rights of the Child, either from individuals, NGOs, Governments, international institutions or other sources. He will also take urgent measures in response to emergency situations; he will request information from Governments about measures taken by them with regard to street children, he will carry out field visits; he will endeavour to draw up a register of organizations working on behalf of street children in order to coordinate action; and he will draw up an annual report, which will be made public, on how the world's street children actually live.

11. We are confident that the Commission on Human Rights shares our concern, and in view of the fact that the situation is a real problem, we urge it to approve the appointment of a special rapporteur to defend the human rights of the millions of street children.